

REMARKS

Receipt of the Office Action of January 14, 2009 is gratefully acknowledged.

Claims 20, 23, 28, 30 and 31 have been re-examined. These have been finally rejected as follows: claims 30, 20, 23 and 31 are repeated under 35 USC 112, second paragraph, as indefinite because of the recitation in claims 30 and 31 because "it is not clear whether or not more than one measuring module is ever provided;" and claims 20, 23, 28 and 30-31 are finally rejected under USC 102(b) over Divjak (newly cited).

Regarding the rejection based upon 35 USC 112, second paragraph, it is noted that one or more measuring modules can be employed. To make this point clear in the context of the invention, claim 30 has been amended to add "or said at least one measurement module is selected." Claim 30 now covers a single measurement module or more than one measurement module, which is contemplated by the invention.

Claim 31 has been cancelled and new claim 32 added, which combine features of claims 30 and 31.

The claims are believed to be definite and in full compliance with 35 USC 112, second paragraph

Regarding the Divjak reference (US 5,444,644), the claims are believed to patentably distinguish over it. For this purpose, please consider the following:

An important feature of the measuring device according to claim 28 is that each selection line acts both on an associated measurement module and on the multiplexer. In claim 28 it is stated "a selection line associated with each measurement module for connecting its associated measurement module to said central unit and to said multiplexer..... each measurement module is selectable by the central unit by a selection line..... said multiplexer is controllable via said selection lines."

By providing a selection line for each measurement module, which acts both on the measurement module and on the multiplexer, it is possible to use only one selection line per measurement module not only for transferring a signal from the central unit to the measurement module that it has been selected by the central unit, but also to control the multiplexer in such a way that it is possible always to connect that module transmission line from the input of the multiplexer through the output of the multiplexer to the central unit that corresponds to the measurement module selected by means of the selection lines.

The Divjak reference discloses in col. 4, 1. 7-19 in combination with Fig. 1 connections between the microprocessor and the conditioning circuit 12-1 to 12-4 assigned to an input/output device 19-1 to 19-4: a first connection between bus 45 and digital to analog converter 16-1, a second connection between port 39 and feedback select input 41 and a third connection between port 37 and gain control input 42.

On the other hand, there are additional connections between the microprocessor and the multiplexer: a fourth connection between port 36 and channel select input 34 and a fifth connection between port 37 and channel select input 35.

The channel selection of the multiplexer occurs via the fourth and the fifth connection (cf. col. 3, l. 56-69 and col. 4, l. 9-11). However, these lines are separated from any of the first, second and third connection between the microprocessor and the conditioning circuit (cf. Fig. 1). Thus, in the Divjak reference no selection line is disclosed "connecting its associated measurement module to said central unit and to said multiplexer" (and thus, acting both on the multiplexer and on the measurement module). For this reason, claim 28 is not anticipated by Divjak.


With respect to claim 30, we were not able to find in Divjak any hint to a method, in which different measuring modules are selected, when more than one measuring module is provided, for different selection times periodically by the central unit, and the selection times are changed. Certainly, such a disclosure cannot be found in col. 4, l. 7. The Divjak reference rather describes an installation and/or initialization method for a data acquisition system, to "automatically determine the type of input/output device that is connected to its inputs through a systematic analysis of the characteristics of the connected device or devices" (cf. col. 2, l. 26-35). In carrying out the systematic analyses, the microprocessor causes each connected input device to be energized in a predetermined sequence while monitoring the output of voltage monitoring means and of current monitoring means to identify the device (col. 2, l. 48-55). However, the Divjak reference is silent about choosing different selection times periodically by the central unit and changing the selection times. Since the initialization method of Divjak involves a "systematic analysis", it should be expected, that each device is selected for the same selection time. Thus, Divjak does not anticipate independent claim 30 as well.

U.S. Pat. Appl. 10/510,072

Entry of the above amendments to the claims and the addition of new claim 32 toward an allowance of this application, or to place this application in better condition for appeal, is respectfully requested

Respectfully submitted,
BACON & THOMAS, PLLC

Date: April 14, 2009



Felix J. D'Ambrosio
Registration No: 25,721

Customer Number *23364*
BACON & THOMAS
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Phone: (703) 683-0500

S:\Producer\jfd\CLIENTS\Endress+Hauser Holding GmbH\GUNZ3001 - CD0162\April 14 2009 response.wpd